

Application No. 10/506,654  
Filed: September 3, 2004  
TC Art Unit: 2826  
Confirmation No.: 4807

REMARKS

Claims 1-31 are currently pending. Claims 14 and 15 have been withdrawn from further prosecution by election. Claims 1-13 and claims 16-31 stand rejected under 35 U.S.C. § 103(a) and/or under 35 U.S.C. § 112, second paragraph. Claim 13 and claims 28-31 are drawn to allowable subject matter. Claims 1, 6, 16, and 19 have been amended. No new matter has been added.

The Applicant respectfully traverses these rejections in view of the above amendments and for the reasons provided below.

SECTION 112, SECOND PARAGRAPH REJECTIONS

Claims 1-13 and claims 16-31 stand rejected under 35 U.S.C. § 112, second paragraph as unclear. Claims 1, 6, 16, and 19 have been amended. Accordingly, the Applicant believes that the grounds for rejection are now moot. Withdrawal of the rejections are respectfully requested.

SECTION 103(a) REJECTIONS

Claims 1-4, 8-10, 16, 17, and 21-26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application

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Publication Number 2004/0058469 to Kowarz ("Kowarz") and claims 5-7, 11, 12, 18-20, and 27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kowarz in view of U.S. Patent Number 6,215,579 to Bloom, et al. ("Bloom"). The Applicant respectfully traverses these rejections in view of the above amendments and for the reasons provided below.

Claims 1-4, 8-10, 16, 17, and 21-26

Independent claims 1 and 16 recite a micromechanical apparatus that includes a first electrode, a movable second electrode that moves a distance (X) towards the first electrode as a non-linear function of an electric potential (V) applied between the electrodes and "means for linearizing the relationship between V and X". An exemplary embodiment of such means is shown in FIG. 5 and described between line 19 on page 7 and line 6 on page 8 of International Publication Number WO 03/077286 corresponding to the present application.

The Examiner maintains that Figures 6 and 8b and Figures 2b, 4a, and 4b in Kowarz, respectively, show the first and movable second electrodes and the non-linear relationship between the applied electric potential (V) and the distance between the two electrodes (X). The Examiner further maintains that Figures 2b,

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4a, and 4b in Kowarz also show "means for linearizing the relationship between V and X". The Applicants respectfully disagree.

The Kowarz disclosure is completely silent about linearizing the non-linear relationship between V and X. Figures 3b and 4b merely show the benefit of filling the gap between the two electrodes with a liquid to avoid the instability and discontinuity that results when the gap is filled with gas and the potential exceeds about 22.6 Volts. See, e.g., Kowarz, ¶¶ 0030-0032. Moreover, as shown in Figure 4, non-linearity is acceptable to Kowarz. Nothing in Kowarz teaches, mentions or suggests providing "means for linearizing the relationship between V and X".

Accordingly, the Applicant respectfully asserts that claims 1-4, 8-10, 16, 17, and 21-26 satisfy all of the requirements of 35 U.S.C. § 101, et seq., especially § 103(a), and are in condition for allowance. Withdrawal of the rejections are respectfully requested.

Claims 5-7, 11-13, 18-20, and 27

Claims 5-7, 11, 12, 18-20, and 27 depend from independent claim. Consequently, for the same reasons provided above, Kowarz

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does not make them obvious. Nor can the Bloom reference make up for the shortcomings of the Kowarz reference. Bloom does not teach, mention or suggest providing "means for linearizing the relationship between V and X".

Accordingly, the Applicant respectfully asserts that claims 5-7, 11, 12, 18-20, and 27 satisfy all of the requirements of 35 U.S.C. § 101, et seq., especially § 103(a), and are in condition for allowance. Withdrawal of the rejections are respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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